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17 UNITED STATES DISTRICT COURT
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19 DISTRICT OF NEVADA
20

21 ORACLE USA, INC.; a Colorado corporation;
22 ORACLE AMERICA, INC.; a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

23 Plaintiffs,
24 v.
25 RIMINI STREET, INC., a Nevada corporation;
26 and SETH RAVIN, an individual,
27 Defendants.
28

Case No. 2:10-cv-0106-LRH-VCF

**MOTION TO SEAL PORTIONS OF
ORACLE'S MOTION TO COMPEL
RE POST-INJUNCTION
DISCOVERY, THE
DECLARATIONS OF DAVID
KOCAN AND BARBARA ANN
FREDERIKSEN-CROSS, AND
EXHIBITS THERETO**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents
2 entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), Local Rule 10-5(b), and
3 Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle
4 America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request
5 that the Court order the Clerk of the Court to file Exhibits 1-7 to the Declaration of Barbara Ann
6 Frederiksen-Cross (“BFC Declaration”) and Exhibits 8-15 to the Declaration of David Kocan
7 (“Kocan Declaration”) under seal in their entirety, filed in support of Oracle’s Motion to Compel
8 and Memorandum of Points and Authorities re Post-Injunction Discovery (“Motion”); certain
9 portions of Exhibits 16-29 to the Kocan Declaration; and those portions of the Declarations and
10 Motion discussing the contents of those exhibits. Public, redacted versions of the Motion,
11 Declarations, and Exhibits were filed on December 6, 2019, *see* ECF Nos. 1290. Unredacted
12 versions of these documents will be filed under seal with the Court and linked to the filing of this
13 Motion. “[G]ood cause’ suffices to warrant preserving the secrecy of sealed discovery material
14 attached to nondispositive motions.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135
15 (9th Cir. 2003).

16 The Protective Order states, “Counsel for any Designating Party may designate any
17 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
18 Attorneys’ Eyes Only’ under the terms of this Protective Order only if such counsel in good faith
19 believes that such Discovery Material contains such information and is subject to protection under
20 Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any
21 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
22 Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party
23 reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

24 Oracle requests that the Court seal portions of the Motion, the BFC Declaration, the
25 Kocan Declaration, Exhibits 8-15 to the Kocan Declaration in their entirety, portions of Exhibits
26 16-29 to the Kocan Declaration, and Exhibits 1-7 to the BFC Declaration in their entirety,
27 because the declarations and exhibits contain non-public, technologically and commercially
28

1 sensitive information relating to Oracle's software, the public disclosure of which would create a
2 significant risk of competitive injury and particularized harm, and would prejudice Oracle.
3 Oracle's customers and potential customers could use such information to their advantage in
4 negotiations with Oracle, and Oracle's competitors and potential competitors could use such
5 information in competition with Oracle.

6 Certain redacted portions of Oracle's Motion, the Kocan Declaration, the BFC
7 Declaration, and exhibits thereto reflect information that Rimini Street, Inc. ("Rimini") has
8 designated "Confidential" or "Highly Confidential - Attorneys' Eyes Only" under the Protective
9 Order. Other redacted portions of Oracle's Motion reflect information drawn from additional
10 sources designated by Rimini under the Protective Order in *Rimini II*. Oracle submits these
11 documents under seal pursuant to the Protective Order based on Rimini's representation that it
12 reasonably believes there is a valid basis under the Protective Order for its confidentiality
13 designations. Rimini has designated Exhibits 11-15 to the Kocan Declaration and Exhibits 1-2, 5-
14 7 to the BFC Declaration as "Highly Confidential Information – Attorneys' Eyes Only," and thus
15 represents that those documents are subject to protection under Federal Rule of Civil Procedure
16 26(c) and should be filed under seal. Because the material was designated by Rimini, Oracle is
17 not in a position to provide further justification for why filing the documents publicly would
18 cause Rimini harm sufficient to show good cause. Other portions of Oracle's Motion and the
19 Kocan Declaration reflect information about Rimini's network security and have been redacted
20 out of an abundance of caution so as not to place that information into the public record.

21 Oracle has submitted all other portions of the Motion, Declarations, and Exhibits for filing
22 in the Court's public files, which will allow public access to all materials except for the portions
23 discussed above. Accordingly, this request to seal is narrowly tailored.

For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file under seal the documents discussed above.

DATED: December 6, 2019

MORGAN, LEWIS & BOCKIUS LLP

By: /John A. Polito/
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2019, I electronically transmitted the foregoing **MOTION TO SEAL PORTIONS OF ORACLE'S MOTION TO COMPEL RE POST-INJUNCTION DISCOVERY, THE DECLARATIONS OF DAVID KOCAN AND BARBARA ANN FREDERIKSEN-CROSS, AND EXHIBITS THERETO** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

MORGAN, LEWIS & BOCKIUS LLP

DATED: December 6, 2019

By: /John A. Polito/
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation

CERTIFICATE OF SERVICE